

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, et al.,
Plaintiffs,
v.
GOOGLE LLC,
Defendant.

Case No. [20-cv-04688-RS](#) (AGT)

DISCOVERY ORDER

Re: Dkt. Nos. 187, 188

The parties dispute whether the document titled “Google Analytics for Firebase Privacy Design Doc,” Bates number GOOG-RDGZ-00032746 to -32767, is privileged. The Court concludes that it is. The dominant purpose of the document was to facilitate the rendering of legal advice. *See* Dkt. 187-2, Santaguida Decl. ¶¶ 4–7, 11–17; *Costco Wholesale Corp. v. Superior Ct.*, 47 Cal. 4th 725, 734–36 (2009). This conclusion is clear from the detailed Santaguida declaration, so the Court needn’t, and won’t, review the document *in camera*. Perhaps not all of Google’s “Privacy Design Documents” will be protected by the privilege, *see* Dkt. 188 at 2–3, but the one in question is. The plaintiffs’ request for an order that would require Google to produce the document is denied.

The motion to seal the Santaguida declaration (Dkt. 187) is also denied. Google, the designating party, didn’t file a statement in support of the motion by December 10, 2021, the deadline by which to do so. *See* N.D. Cal. Civ. L.R. 79-5(f)(3). Also, the Court has evaluated the declaration and isn’t convinced that “specific prejudice or harm will result” if the confidential information appearing within it is publicly disclosed. *Phillips ex rel. Ests. of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir. 2002). Google must file an unredacted, public version of the declaration by December 17, 2021.

IT IS SO ORDERED.

Dated: December 13, 2021



ALEX G. TSE
United States Magistrate Judge